

Piracy in Southeast Asia during the COVID-19: Exploring Regional Anti-Piracy Strategies and China's Involvement

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Abstract

Recent years have witnessed a pessimistic maritime security environment and an increasing emergence of non-traditional security threats in the Southeast Asian Waters. In early 2020, although the covid-19 outbreak and quickly spread to the world, piracy was still rampant in the Southeast Asian waters. Thus, the fight against piracy became a major challenge for maritime governance. The covid-19 pandemic was a global trigger for weak economic growth and social conflicts. This paper collects the piracy information reported by the International Maritime Organization (IMO), the International Maritime Bureau (IMB) and other institutions. After that, it sorts these reports from different perspectives. Then, it demonstrates the change trend of piracy such as behavior patterns, criminal areas and criminal characteristics. In addition, the paper also suggests that China should actively participate in international anti-piracy cooperation in this region and joins hands with other states in this region and international organizations. In this way, they can prevent and combat crimes, for instance, piracy and armed robbery against ships, and maintain peace and stability in Southeast Asia.

Keywords: covid-19; Southeast Asia; pirate; anti-pirate mechanism; China's Involvement

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1. Introduction

Since the 21st century, the threats from non-traditional maritime security field have been on the rise, to combat the crimes of pirates and armed robbery against ships is a major challenge for maritime governance.

In early 2020, the covid-19 out broke and swept the world, the pandemic was a global trigger for weak economic growth and social conflicts. Many industries were swaying or directly discontinued. As a result, inhumane or illegal acts have been increasing.

The shipping business is the cornerstone of the global supply chain and international trade. Asia is a number one region in the world in the case of development potential and dynamic growth in maritime transportation market. Meanwhile, the Asia-Pacific region is also a region with converging interests of major powers, prominent challenges to ocean, sovereignty disputes and conflicts between the countries in this region, and long-term intense geopolitical game. Therefore, it is extremely difficult to achieve maritime governance there. The ocean is a cradle of life, a link to the world, a platform for development, and an important field for building a community with a shared future for mankind. Based on an observation and analysis of the current situation and hazards of piracy in the Southeast Asian waters, this paper intends to examine the efficiency and deficiency of international and regional anti-piracy mechanisms. After that, it discusses several major issues that need to be resolved by the relevant countries and regions.

Definition of piracy and selection of data sources

1.1 Definition of piracy

When analyzing piracy, the scholars specialized in international law often refer to Articles 15-19 of the 1958 Convention on the High Seas, Articles 100-107 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime

Navigation (SUA Convention).² Some scholars also suggest that, in addition to the above-mentioned laws, there should be an inclusion of the provisions of the 1988 Protocol for the Suppression of Unlawful Acts (SUA) against the Safety of Fixed Platforms Located on the Continental Shelf, the 1988 SUA Convention and its 2005 Protocol, the provisions of the CMI Model National Law on Acts of Piracy and Maritime Violence, etc.³ IMO and IMB are the international maritime security bodies whose work are directly concerned with combating piracy. Currently, they use a common definition of "piracy" and "armed robbery against ships" provided in the articles of UNCLOS and the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships.⁴

According to Article 101 of the UNCLOS, piracy have the six characteristics: (1) it is occurred on the High Seas, which means that it is not occurred in any other region under any State's jurisdiction; (2) it is not committed by ordinary persons but by the crew or the passengers in an aircraft or a ship; (3) the aircraft or ship must be owned by private person rather than any other entity or person; (4) it is committed against other ship, aircraft, and persons or property on board such ship or aircraft; (5) it includes any unlawful acts in the form of violence, detention or destruction; (6) it is a kind of voluntary participation with the intention of committing piracy, or inciting or facilitating piracy.⁵

² Nong Hong. "On the Construction of Non-traditional Maritime Security Cooperation Mechanisms in the South China Sea Region: A Perspective Based on the Analysis of Piracy and Maritime Terrorism Issues." *Asia-Pacific Security and Maritime Affairs*, 2018, pp.36-52.

³ Dan Liu. "Piracy Governance from the Perspective of the Law of the Sea." *Exploration and Free Views*, 2011, pp.19-21.

⁴ Feijun Huang. "International Practice in and China's Response to Combating Piracy and Armed Robbery against Ships in the Southeast Asian Waters." *Journal of Boundary and Ocean Studies*, 2018, p.50; "IMB Piracy Reporting Center," accessed at July 3, 2023,

⁵ According to Article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), piracy consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i)

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is the first intergovernmental agreement in Asia for further enhancing cooperation in combating piracy and armed robbery against ships. The Agreement took effect in November 2006. As at July 2023, it has 21 contracting parties (14 Asian countries, 5 European countries, Australia, and USA).⁶ In addition to making a definition of pirate according to Article 101 of the UNCLOS, ReCAAP also makes a definition of armed robbery against ships. According to the resolution A.1025 (26),⁷ the Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships, accepted by the 26th Assembly of the IMO, makes a definition of “armed robbery against ships” that is very close to the wording used in Article 101 of the UNCLOS.⁸

As mentioned above, although the UNCLOS is the most important treaty ratified by South-East Asian countries, its definition of piracy is limited to the high seas and is generally not applicable to the piracy in the South-East Asian waters. In contrast, the definition of piracy and armed robbery against ships in ReCAAP can be extended to the

on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b). “United Nations Convention on the Law of the Sea,” United Nations. (1982). United Nations Convention on the Law of the Sea. United Nations.

⁶ “What is Piracy and Armed Robbery Against Ships and What Should You Do If You Encounter an Incident? ” Accessed at July 7, 2023. About ReCAAP Information Sharing Centre. (n.d.).

⁷ “Resolution A.1025(26) (Annex, paragraph 2.2),” adopted on 2 December 2009. e code of practice for the investigation of crimes of piracy and armed robbery against ships. (2010).

⁸ According to the definition, “armed robbery against ships” means any of the following acts: (1) any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea; (2) any act of inciting or of intentionally facilitating an act described above.

application of crimes occurred in the Southeast Asian waters. However, Indonesia and Malaysia have not yet ratified accession to ReCAAP because of their consideration of special interests. According to ReCAAP, the waters as the place where the crime of armed robbery against ships is committed shall be under the jurisdiction of relevant state. To a certain extent, this provision is a remedy to the insufficient definition of pirate made in the Convention and the Agreement. It also contains an addition of the means of the criminal behavior. In this paper, the terms piracy, maritime piracy and armed robbery against ships are alternately used, and collectively referred to as "piracy offences" or "acts of piracy" in a broad sense, which includes both robbery attempt and robbery completion.

1.2 Scope of the Region

In 1962, the Conference of Southeast Asian Geographers was held in Kuala Lumpur, Malaysia. It was agreed at the conference that "Southeast Asia" can be generally used as a geographic name for the region.⁹ In the South-East Asian region, there are 10 member states and 1 observer state (Timor-Leste) of ASEAN. All the 10 countries, except Laos, are coastal or island states. Bordered by the East Asian continent to the north, Australia to the south, the Pacific Ocean to the east, and the Indian Ocean to the west, South-East Asia is adjacent to Bangladesh and India. Thus, it is a bridge connecting three continents (Asia, Africa, and Oceania) and two oceans (the Pacific Ocean and the Indian Ocean). In the region, there is a strait called the Straits of Malacca between the Sumatra Island and Malay Peninsula. Although it is only about 900 kilometers in length, it is a major maritime route for trade between the East and the West.

The IMB published data on piracy and armed robbery in the region. In such data for statistics, South-East Asia includes Indonesia, the Malacca Straits, Malaysia, the Philippines, the Singapore Straits and Thailand, whereas China and Vietnam are included in East Asia. When it comes to the ReCAAP, the countries and regions covered are mainly North Asia (China), South Asia (the Arabian Sea, Bangladesh, the Bay of Bengal, and India), and South-East Asia (the Andaman Sea,

⁹ Zhi Liu. "Introduction to Southeast Asia," 2007. Accessed at July 7, 2023.

the Indian Ocean, Indonesia, Malaysia, the Pacific Ocean, the Philippines, the South China Sea, the Sulawesi Sea, the Malacca and Singapore Straits, Thailand, and Vietnam). Relatively speaking, the "South-East Asian Seas" covered by the Agreement are wider than that covered in the data published by the IMB.

1.3 Source of data

The IMB set up the Piracy Reporting Centre (IMB-PRC) in Kuala Lumpur, Malaysia. It is the sole non-governmental organization in the world that manually receives and immediately disseminates information on piracy and armed robbery 24 hours a day. The ReCAAP also set up an "Information Sharing Centre" (ReCAAP-ISC) in Singapore. It is used to strengthen regional cooperation by information-sharing, capacity-building and other measures. As an intergovernmental organization, the IMO has the Global Integrated Shipping Information System (GISIS). It collects all kinds of information through various channels, and immediately publishes and reports information through the modules of piracy and armed robbery against ships contained in GISIS. The information from IMB-PRC and ReCAAP-ISC is also integrated into GISIS. This paper uses the reports published by IMB-PRC and ReCAAP-ISC between 2018 and 2022 as the main source and the relevant data contained in the reports published by the IMO as supplementary source for statistical data.

2. Analysis of the piracy posture in the South-East Asian waters

Since the end of Cold War, world trade has developed rapidly, the Straits of Malacca and Singapore (SOMS) in the South-East Asian Waters have shown increasingly important roles as international trade routes. Among the threats in the field of non-traditional maritime security on a global scale, crimes of piracy have also begun to gradually increase in number. Overall, modern pirate activities mainly occur in five regions, namely, the West African coast and Somali waters, the Red Sea and the Gulf of Aden, the Bay of Bengal, the South-East Asian waters, and the Caribbean Sea between South and

Central America.¹⁰ At its peak between 2000 and 2004, there were an average of 350 to 450 incidents of piracy per year, increasing the cost of international trade by \$7-12 billion per year.¹¹ In the South-East Asian region, piracy has also become more prevalent after the 1998 financial crisis. In 2000, there was 469 piracy cases reported in the world, and 242 cases (52%) occurred in the South-East Asian waters.¹²

Table 1 Changes in piracy worldwide (2017-2022)

Year		2017	2018	2019	2020	2021	2022
Total	IMB	180	201	162	195	132	115
	IMO	203	223	193	229	172	131
Data Gap		23	22	31	34	40	16

Note: This table is made by the author, based on the 2022 Report on the Piracy and Armed Robbery Against Ships published by the IMB and the 2017-2022 Reports on the Piracy and Armed Robbery Against Ships published by the IMO.

Although there are some discrepancies in the data released by IMB and IMO, both of them showed that in the year following the outbreak of covid-19 at the beginning of 2020, there was a significant increase of piracy in the world which can be seen in Table 1. The data reported by the IMB and the IMO showed that there was a respective increase of 20% and 19% in 2020 compared to 2019 in terms of the number of piracy crime in the world.

In the relatively long period, the number of pirate attacks in the world has generally been on the decline due to the joint efforts of the international community to combat piracy, mainly due to the reduction of pirate activities in the waters of the Gulf of Guinea. However, incidents of piracy and armed robbery against ships have continued to frequently occur in the Asian region and in the waters of South-East Asia, especially in the key strategic sea lanes such as the SOMS.

¹⁰ Zhen Yang, Jie Zhang. "Piracy and Comprehensive Maritime Governance from the Perspective of Maritime Silk Road." *Report on China'S Non-Traditional Security Studies (2015-2016)*. Beijing: Social Sciences Academic Press.2016.

¹¹ ReCAAP. "Incident Alert Sea Robbery Incidents in the Singapore Strait," accessed at July 13, 2023.

¹² "The Realities and Legends of Pirate," September 25, 2002.
<http://old.lifeweek.com.cn//2002/0925/644.shtml>

Table 2 Changes in Piracy Behavior in Asia (2017-2022)

Year	2017	2018	2019	2020	2021	2022
Total	102	76	83	97	82	84

Note: This table is made by the author, based on to the 2022 Report on Piracy and Armed Robbery Against Ships in Asia published by ReCAAP.

Data from different sources showed that there was a significant increase of piracy offenses in both the world and Asia in 2020 compared to the years before the outbreak of covid-19. As shown in Table 2 and Table 1, there was 97 cases of piracy offenses in Asia in 2020, an increase of 14% from 2019. A further observation showed that there was a peak of piracy in the Southeast Asian Waters in the six-month period after the COVID-19 outbreak. According to the report for the first half of 2020 published by ReCAAP-ISC, a total of 51 piracy incidents were recorded in the Asian waters, which was nearly twice as many incidents as were reported during the same period in the year prior to the outbreak of covid-19 (28 incidents).¹³ However, a downward trend began after 2021, and the global number of piracy incidents in 2022 fallen to the lowest in the three years since the outbreak of covid-19. This decline trend of piracy incidents is related to the global economic downturn.

¹³ ReCAAP. "Piracy And Armed Robbery Against Ships In Asia (January-June 2020)."

Table 3 Piracy in the South-East Asian Waters (2020-2022)

Year	Region and country											Total
	the Andaman sea	Pacific Ocean	Indonesia	Malaysia	Pacific	the Philippine	the South China Sea	the Straits of Malacca and Singapore (SOMS)	the Sulawesi Sea	Thailand	Vietnam	
2019	-	-	23	8	1	7	1	31	2	-	2	75
2020	-	-	22	3	-	13	4	34	1	-	6	83
2021	-	-	13	1	-	11		50	-	-	2	77
2022	-	-	10	2	-	4	1	55	-	-	2	74

Note: This table is made by the author, based on the 2022 Report on Piracy and Armed Robbery Against Ships in the Asia published by ReCAAP.

Table 3 shows three facts. First, after the outbreak of covid-19, piracy in the Southeast Asian waters reached 83 cases in 2020, accounting for more than 80% of number in the Asian region (97 cases), making the Asian waters a region with high-risk of piracy. Second, although the number of piracy incidents in Southeast Asia has been reduced to the level before the outbreak of covid-19 in 2021 (77 cases) and 2022 (74 cases), the data published by the IMB still showed that such number accounted for 58% and 64% of global piracy incidents, respectively. This high proportion proves that the Southeast Asian region is still a geographic concentration of the global piracy incidents. Third, the SOMS are the main places of piracy in the Southeast Asian waters. And particularly in 2021 and 2022, the piracy incidents occurred in the said two straits accounted for more than 50% of that in the Southeast Asian waters.

Table 4 Changes in piracy in the SOMS (2017-2022)

Year		2017	2018	2019	2020	2021	2022
Total	IMB	4	3	12	23	36	38
	ReCAAP	9	8	31	34	50	55
Data Gap		5	5	19	11	14	17

Note: This table is made by the author according to the 2022 Report on Piracy and Armed Robbery Against Ships in Asia published by ReCAAP and the 2022 Report on Piracy and Armed Robbery Against Ships published by IMB.

The data published by both the IMB and ReCAAP-ISC show an obvious trend: there has been a consecutive rise in the number of piracy incidents in the Straits of Singapore and Malacca in recent years, as shown in Table 4. The 38 piracy incidents in the Straits of Singapore in 2022 was a new record for the region since 1993 when the IMB began to publish report of piracy incident.¹⁴ Further observation shows that ReCAAP-ISC has paid attention to the ongoing incidents of piracy in the SOMS . Thus, it issued Incident Alert No. 02/2023 on June 13th, 2023, advising all ships to be vigilant when passing through the SOMS. Meanwhile, ReCAAP-ISC also recommended that littoral states should strengthen their patrols and law enforcement in the region. The warning instrument issued by ReCAAP-ISC showed that 34 incidents of piracy have been reported in the SOMS in the past several months of 2023.¹⁵

Due to the attention and efforts of governments and international organizations, naval escorts and reconnaissance aircraft deployments have had a deterrent and combating effect on piracy worldwide. In 2008, four resolutions on the situation of piracy in Somalia were successively adopted at United Nations Security Council (UNSC), of which Resolution 1816 authorizes the relevant states, with the consent of the Somali Government, to enter the territorial waters of Somalia to

¹⁴ Yuchi Cao, Guoping Zheng. "An Analysis of the Global Piracy Incidents in 2022." *World Shipping*, 2023, p.26.

¹⁵ ReCAAP. "Incident Alert Sea Robbery Incidents in the Singapore Strait," accessed at July 13, 2023.

use "all necessary means" "for the purpose of repressing acts of piracy and armed robbery at sea".¹⁶ This has led to a rapid decrease of piracy attacks in the Gulf of Aden and other traditional regions with high risk of piracy incidents. In contrast, there was a sharp increase of the number of piracy attacks in the South-East Asian waters.

3. Factors for the high incidence of piracy in South-East Asia

The interweaving of many factors has led to the foresaid change of piracy incidents in the Southeast Asian Waters. These factors include: the special geographic structure of the Southeast Asian Waters, the "blank" legal provisions in the laws of the coastal countries along the passage, easy access to the equipment for piracy, the geopolitical conflict resulting from the Russian-Ukrainian conflict, and the de-globalization trend brought about by the industrial decoupling in some regions. These factors have not only exerted huge influence on the global supply chain, but also delayed the future development of shipping market. Shipping companies have to reduce their crew. Employment pressure have thus doubled, and social conflicts further concentrated. Shipping companies begin to decrease their investment in monitoring and combating potential pirates or armed robbers. Thus, a vicious circle is gradually formed to a certain extent. To summarize, piracy, maritime terrorism and other non-traditional maritime security issues are rooted in the interaction of economic, social, cultural, religious and other factors.

3.1 Geographical factors and legal gaps or loopholes

In terms of geopolitical structure, the Southeast Asian region is full of broken land and numerous islands. This structure is an excellent hiding place for pirates, and has become an objective condition for pirates to commit acts of piracy. In this region, piracy occurs not only in internal waters, territorial waters and the high seas adjacent to them, but also in the waters of a country or region and the adjacent waters of neighboring countries or regions. In fact, the major attacks on ships in navigation in the waters of Southeast Asia occur in the maritime areas

¹⁶ "Resolution 1816 (2008) ," adopted on June 2, 2008. file:///C:/Users/Administrator/Downloads/S_RES_1816(2008)-EN.pdf

over which a state has jurisdiction and do not fall within the scope of punishment under the Convention. For example, the Strait of Malacca is only 5.4 kilometers in width at its narrowest point. Thus, those attacks on ships in the Strait of Malacca do not meet the criteria for the crime of piracy according to the provisions of the domestic laws of some littoral states. And this or that similar situation has become a huge legal gap or loophole. In practice, many offenders take advantage of this legal gap or loopholes in terms of jurisdiction over the crime of piracy to avoid being punished by the laws.

3.2 Sustained growth in piracy capacity

In the process of globalization and development, contemporary pirates have also undergone some new changes, due to which they are very different from traditional pirates. Thus, the international anti-piracy mechanism has to be adjusted and optimized in tandem in order to jointly tackle the challenges of maritime security. The pirates in the Southeast Asian Waters are equipped with speedboats, global positioning systems (GPS), satellite phones, sub-machine gun and other advanced equipment, as well as cross-regional communication networks. Due to their "capacity growth" in this regard, the pirates can commit crimes in a higher rate of success, and even have armed capability to plunder large merchant ships. Of the 38 incidents of piracy occurred in the Singapore Strait in 2022, all ships were sailing in the waters, but were successfully boarded by pirates to commit their crimes.¹⁷

3.3 Complex political and social situation

The complex political and social situation in South-East Asia is also a factor that cannot be ignored. Shortly after the outbreak of covid-19, it was not suitable to use fishery products as the main source of food supply in an emergency situation, and the global fishery economy was nearly discontinued or closed. In order to prevent the COVID-19 pandemic, the industry chain of fishery economy was nearly broken. Under the influence of multiple factors, such as the lack

¹⁷ Yuchi Cao, Guoping Zheng. "An Analysis of the Global Piracy Incidents in 2022." *World Shipping*, 2023, p.28.

of development opportunities and the shortage of governance capacity, the fishermen have seen a sharp rise of poverty and unemployment rate. Thus, they have no choice but to do part-time piracy as a way to increase their incomes. Therefore, anti-piracy in Southeast Asia has long been a treatment of symptoms other than root causes. That is to say, it is difficult to completely eliminate piracy because it is difficult to eliminate poverty. In addition, pirates seek political purpose beyond their motive of economic gain.

3.4 "Terrorization" of piracy

Since the September 11 attacks in 2001, the fight against terrorism has reached an unprecedented level of intensity worldwide. Due to the strong counter-terrorism situation, terrorist organizations have shifted their targets to the maritime domain, which is vast in area and relatively weak in defensive forces. Although terrorism is different from piracy, they are not "clear-cut": they overlap in terms of perpetrators, criminal techniques, criminal networks and other nature.¹⁸ A comparison between the pirates and terrorists in the Southeast Asian waters shows that the pirates lack organization and planning in general, whereas the terrorists, especially those terrorists in the Southeast Asian Waters, have a powerful force, a rigid structure, and an orderly division of work. In the process of committing crimes, pirates integrate themselves with terrorists. Some pirates also become members of maritime terrorism, and participate in related maritime terrorist activities, increasingly showing a trend towards piracy "terrorism".¹⁹ Like the "syndicate", a form of monopoly organization in economics, piracy has become a "one-stop" industry by its use of a vast underground network of piracy, including robbery and stolen goods disposition.²⁰

¹⁸ Murphy, Martin N. "Small Boats, *Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World.*" York: Columbia University Press, 2009, p. 177.

¹⁹ Ming Hu, Ying Xu. "Terrorization of Piracy: Three Models and Dual Regulation." *Social Science in Chinese Higher Education Institutions.* 2016, p.90, 94.

²⁰ Dong Yu. "Pirates Are Moving to Southeast Asia: the South China Sea Has Quietly Become a New Playground for the World's Pirates." May 22, 2016, <http://static.nfapp.southcn.com/content/201605/22/c84711.html>

4. Regional anti-piracy mechanisms and China's acts

At present, the measures taken by the global community against piracy are mainly embodied in the international legal framework and the practice of international cooperation. Among them, the international legal framework is discussed in the previous text, the international cooperation practices include anti-piracy mechanisms established by professional organizations, regional cooperation institutions, etc. These professional organizations mainly rely on the IMO, IMB and other institutions. They provide important technical support for the international anti-piracy activities by developing anti-piracy technology, formulating international regulations, issuing piracy warnings, and establishing channels for information exchange and contact. Regional cooperation institutions include the long-term patrolling mechanism developed by the littoral states in the SOMS, and the ReCAAP intergovernmental anti-piracy mechanism established at the initiative of Japan. In addition, commercial organizations such as private maritime security companies complement the combat against piracy and armed robbery against ships. However, their roles are limited in comparison with that of the states, which remains the most important actor in the fight against the crime of piracy.

4.1 Regional anti-piracy mechanisms: processes and limitations

Both counter-piracy and counter-terrorism represent non-traditional security cooperation, particularly in less sensitive areas. However, after a long time, the states in Southeast Asia have not really established a specialized ASEAN-centered anti-piracy cooperation mechanism. Under the intervention of extra-regional states and groups of states, especially the U.S., the Southeast Asian waters have become a key area for a new great power game. In addition, there are unresolved disputes over maritime rights and territorial sovereignty in the South China Sea. Thus, the Southeast Asian countries have not yet reached a consensus on the issue of combating piracy. Naturally, the cooperation among the littoral states of the SOMS continues to be dominated by functional matters. Therefore, though Malaysia, Singapore, Indonesia and even the ASEAN have made maritime

security an important issue in their security policies, overall cooperation in this regard remains limited.

In 1992, Singapore, Malaysia and Indonesia signed the Agreement on Joint Prevention of and Countermeasures against Piracy. According to the Agreement, they began to launch joint operations to combat piracy, and began patrolling within their own territorial waters in the Strait of Malacca. In 2004, the U.S. Bush Administration proposed the Regional Maritime Security Initiative (RMSI). This Initiative was designed to combat piracy and potential maritime terrorism in the Strait of Malacca by virtue of strong naval power. To that end, it envisioned that the U.S. and the Southeast Asian countries could share intelligence, standardize command structures, and establish maritime surveillance and interdiction capabilities. Singapore showed its support for the Initiative. However, it was eventually shelved by Indonesia and Malaysia, who feared that the Initiative would affect their national sovereignty. After that, the three ASEAN countries proposed and initiated the Malacca Straits Coordinated Patrol (MALSINDO). In 2005, Thailand became an observer state of MALSINDO, and established "Eyes in the Sky" (EiS), an air patrol mechanism, with Singapore, Malaysia and Indonesia. In 2006, the foresaid four countries further integrated MALSINDO, EiS, and another intelligence exchange mechanism into the Malacca Straits Patrol (MSP) mechanism. In October 2017, the Philippines, Malaysia, and Indonesia announced the launch of a joint air patrol to combat the threat of transnational crime, terrorism, piracy and other crimes in the Sulu Strait waters.

At the ASEAN level, a counter-piracy platform was established. It includes the ASEAN Regional Forum (ARF), ASEAN Defense Ministers' Meeting-Plus (ADMM-Plus), the ASEAN Maritime Forum (AMF) and the Expanded ASEAN Maritime Forum (EAMF) and other mechanisms. These mechanisms are designed to discuss cooperation through multilateral fora. They also organize a series of joint anti-piracy exercises, seminars, and training courses. In addition, they established anti-piracy information-sharing mechanisms with relevant states. In 1998, piracy was formally listed by ASEAN as a transnational crime. In 2003, the ARF issued a special Statement on

Cooperation against Piracy and other Threats to Maritime Security. In 2008, ASEAN established the Counter-Piracy Task Force (CPTF).²¹ Particularly in 2010, the AMF was created as an important initiative of the ASEAN Political-Security Community (APSC) Blueprint. This Forum was designed to be a new platform for maritime security cooperation among the ASEAN countries. In October 2011, Japan proposed an expansion of the ASEAN Maritime Security Forum (AMSF), and its first expanded meeting was held in the Philippines. Until August 2023, 13 AMF and 11 EAMF have been successfully organized. The institutionalization of the ASEAN Maritime Forum and Expanded Meeting shows an improvement and intensification of the maritime security cooperation system in the Southeast Asian region. This will be conducive to safeguarding the security of the Southeast Asian waters, improving the maritime operational capabilities of the ASEAN countries, and enhancing ASEAN's overall regional governance capacity. However, there is still a gap between it and the goals for the creation of the system, especially the ultimate goal of establishing an ASEAN Political-Security Community (APSC).²²

4.2 China's philosophy of anti-piracy and its state practice

To maintain maritime security is of great significance to the boost of prosperity, peace, stability and development in the world. As the world's most important shipping hub, the Asia-Pacific region contributes more than half of the world's economic activity. Thus, it is crucial to the development of the maritime transportation industry of the world. Non-traditional security issues, including piracy, have transnational and public feature and spillover effect. They cannot be properly resolved by any single state on its own. The waters of South-East Asia are full of danger for its extremely fierce and rampant piracy and armed robbery against ships. Therefore, relevant states and non-state organizations must uphold the idea of community with a shared future for mankind, actively participate in and cooperate with others in

²¹ Houguang Wang, Yuan Wang. "Ocean governance in ASEAN and Southeast Asia." *International Forum*, 2017, p.16.

²² Yuyuan Zhou. "The Internationalization of Maritime Security Cooperation in Southeast Asia: The Role of the ASEAN Maritime Forum." *Foreign Affairs Review*, 2014, p.140, 141,152.

a long period in order to achieve successful fight against piracy and armed robbery against ships.

As a responsible power in the region, China attaches great importance to maritime security. Thus, China has consistently advocated the concept of common maritime security featured by mutual benefit, cooperation and is committed to creating a maritime security pattern based on mutual trust, equality, justice, fairness, joint contribution and shared benefits.²³ Maritime security cooperation should focus on combating piracy. China actively supports the global community in continuing to carry out escort operations against piracy in the relevant waters according to the relevant resolutions adopted by the Security Council. On December 20, 2008, the Chinese Navy began its first convoy to escort ships in the Somali waters of the Gulf of Aden. Over the past 15 years, China has dispatched a total of 44 batches of convoys to carry out escort missions, involving a total of more than 100 ships, with a completion of more than 7,000 escort missions for Chinese and other countries' ships. The Chinese convoys rescued and escorted nearly 100 ships of various types, of which more than 50% were ships registered in other countries and regions other than China. In this way, China has accumulated rich experience in combating piracy.²⁴

About 90% to 95% of China's foreign trade was completed by maritime transportation. Thus, China attaches great importance to the potential threat posed by piracy to the world economy and regional stability, and also stresses maritime security cooperation with the Southeast Asian states that focuses on combating piracy. In his speech at the Special Summit to commemorate the 30th Anniversary of China-ASEAN Dialogue Relations, Chinese President Xi Jinping pointed out that the countries in the region confront various types of traditional and non-traditional security risks and challenges, and he concluded that they should adhere to pursue common, comprehensive,

²³ "Chinese Delegate Elaborates its Position on Maritime Security," August 10, 2021.

²⁴ "Chinese Navy: Successful Completion of 1568th Escort Mission by its 44th batch of Escort Convoy," June 8, 2023.

cooperative and sustainable security.²⁵ China began its cooperation with ASEAN in the 1990s, and has made breakthroughs due to the promotion of bilateral relations. In 2002, China and the ASEAN countries signed the Declaration on the Conduct of Parties in the South China Sea (DOC), establishing the common norms and basic principles for all parties to deal with the South China Sea issue. Specifically speaking, the DOC stipulates five major areas, including, but not limited to marine scientific research, marine environmental protection, maritime search and rescue, safety of maritime navigation and transportation, and transnational crime combating, for cooperation.

In addition, China is an active participant and builder of the Malacca Straits cooperation mechanism. China also actively participates in the anti-piracy operation and the "single track" and "dual track" mechanism related to maritime security in the Southeast Asian region. The operations and mechanisms include ADMM-Plus, ReCAAP, the Conference on Interaction and Confidence-Building Measures in Asia, China-ASEAN Maritime Consultation, Shangri-La Dialogue, the Council for Security Cooperation in the Asia Pacific (CSCAP), Seminar on Non-traditional Security Cooperation in the South China Sea, Maritime Security Working Group, Container Security Initiative (CSI), etc.²⁶ In January 2004, China and the ASEAN countries signed the Memorandum of Understanding on Cooperation in the Field of Non-Traditional Security Issues. In the Memorandum, there is an initiative of establishing a maritime institutional consultation mechanism between China and ASEAN, which was put into practice in 2005. Up to the end of March 2021, the China-ASEAN Maritime Consultative Mechanism has successfully held thirteen meetings, continuing to strengthen the consensus on cooperation between the maritime agencies of China and the ASEAN countries. In 2011, the Chinese government initiated the setup of a RMB 3 billion China-ASEAN Maritime Cooperation Fund in order to

²⁵ “Speech by Chinese President Xi Jinping at the Special Summit to Commemorate the 30th Anniversary of China-ASEAN Dialogue Relations,” November 22, 2021

²⁶ Yuanzhe Ren, Hanqing Liu. “The Non-traditional Security Cooperation in the South China Sea Region and China's Role.” *Journal of Boundary and Ocean Studies*, 2017, pp.4-9.

form a multi-level and all-round maritime cooperation pattern between China and the ASEAN countries.²⁷

5. Conclusion

The ocean is not only a treasure trove of resources on which mankind depends for its survival, but also a bridge for trade between nations. The shipping industry is the backbone of global trade and economy because seaborne trade accounts for 80% of global trade and more than 70% of its value.²⁸ At the same time, the shipping industry is facing the serious challenge of reducing emissions. According to the data released by the International Maritime Organization, the global shipping industry emits about 1 billion tons of greenhouse gases every year, accounting for about 3% of total global emissions.

The year 2023 is of great significance for China. It is the 10th anniversary of Chinese President Xi Jinping's initiative to build a closer China-ASEAN community with shared future and the Belt and Road Initiative(BRI). It is also the 50th anniversary of the restoration of China's lawful seat as a member of IMO. Undoubtedly, the Chinese government will continue to work with all countries in the region to implement the Global Security Initiative (GSI), conduct joint maritime exercises with the Southeast Asian countries for maintaining maritime security, and jointly respond to the threat of piracy. In addition, China will also deepen its practical cooperation in the fields of anti-piracy and maritime law enforcement, and make positive efforts to realize peace and tranquility on the oceans. In this way, China will follow a new type of security road that is characterized by dialogue other than antagonism, companionship other than alliance, and win-win other than zero-sum.

Meanwhile, the Chinese governments, enterprises and industries related to maritime should continue to take action. They should improve their working mechanism of ships for piracy prevention and emergency response, improve the early warning

²⁷ Jiabao Wen. "China Will Set up a RMB 3 Billion China-ASEAN Maritime Cooperation Fund," November 18, 2011.

²⁸ "Asian Voice in the Global Shipping Industry: Shipping Industry's Top Conference Returns to Shanghai after 7 Years," accessed at May 17, 2023.

mechanism, strengthen international exchanges and cooperation, pay close attention to global piracy attacks, and have the knowledge of the dynamics of pirate attacks. They should also ensure that all preventive measures are predictive and targeted. More importantly, regional security awareness and risk awareness are increasing at present. Thus, there is a continuous call for global data sharing strengthening, and a breakthrough in the limitations on national geography and space. In addition, there should be an enhancement of their own digitalization capacity building in order to meet the data security requirements among different customers. In this way, they can promote the construction of maritime connectivity between China and the ASEAN countries, and enhance cooperation in the fields of shipping, maritime affairs and ports.

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